

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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AMY R.,

Plaintiff,

-v-

8:20-CV-1520

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.  
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APPEARANCES:

OF COUNSEL:

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Attorneys for Plaintiff  
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DANIEL S. TARABELLI, ESQ.  
Ass't United States Attorney

DAVID N. HURD  
United States District Judge

**ORDER ON MOTION FOR ATTORNEYS' FEES**

On December 9, 2020, plaintiff Amy R.<sup>1</sup> (“plaintiff”) filed this action seeking review of a final decision by defendant Commissioner of Social Security (“Commissioner” or “defendant”) denying her application for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”) under the Social Security Act (the “Act”). Dkt. No. 1.

After plaintiff filed her opening brief, Dkt. No. 12, the Commissioner moved for the entry of a judgment remanding the matter for further administrative proceedings, Dkt. No. 15. This Court “so ordered” defendant’s request for remand on September 10, 2021. Dkt. No. 16. A judgment in plaintiff’s favor was entered later that day. Dkt. No. 17.

On December 6, 2021, plaintiff moved for an award of attorney’s fees as a “prevailing party” under the Equal Access to Justice Act (“EAJA”), which shifts litigation fees to a government defendant when certain conditions are met. Dkt. No. 18. In response, the Commissioner has stated that she “has no objection to plaintiff’s request for . . . attorney fees.” Dkt. No. 19.

Upon review of the submissions, plaintiff’s fee application will be granted. *Shalala v. Schaefer*, 509 U.S. 292, 301 (1993) (explaining that only

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<sup>1</sup> In accordance with a May 1, 2018 memorandum issued by the Judicial Conference’s Committee on Court Administration and Case Management and adopted as local practice in this District, only claimant’s first name and last initial will be mentioned in this opinion.

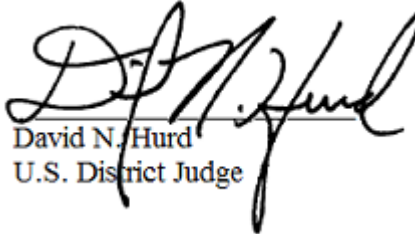
a sentence four remand amounts to the kind of “final judgment” that permits the shifting of fees under the EAJA).

Therefore, it is

ORDERED that

1. Plaintiff’s motion for attorney’s fees is GRANTED; and
2. Plaintiff is awarded a fee in the amount of \$5,427.51.

IT IS SO ORDERED.



David N. Hurd  
U.S. District Judge

Dated: December 22, 2021  
Utica, New York.